

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------------------|---|---------------------------------------|
| ANTHONY J. SCICCHITANO, JR., |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 19-319E |
| |) | District Judge David Stewart Cercone/ |
| v. |) | Magistrate Judge Maureen P. Kelly |
| |) | |
| DOC SCI ALBION; Superintendent CLARK; |) | |
| and CHRISTOPHER MEURE, Major of |) | |
| Guards, |) | Re: ECF No. 1 |
| |) | |
| Defendants. |) | |

ORDER

Anthony J. Scicchitano ("Plaintiff") is currently incarcerated at the State Correctional Institution in Albion ("SCI-Albion"). Plaintiff filed a Motion for Leave to Proceed in Forma Pauperis (the "IFP Motion") in order to file a civil rights complaint in this Court. ECF No. 1.

The case was referred to Magistrate Judge Maureen Kelly in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Civil Rules 72.C and D.

Magistrate Judge Kelly, pursuant to the provisions of the Prison Litigation Reform Act, determined that the Plaintiff had acquired three strikes within the meaning 28 U.S.C. § 1915(g) and was not under imminent danger of serious physical injury. Accordingly, Magistrate Judge Kelly issued a Report and Recommendation, ECF No. 3, filed on November 20, 2019, recommending that the IFP Motion be denied. Plaintiff was informed that he had until December 9, 2019 to file any Objections. Plaintiff filed no Objections.

Accordingly, IT IS HEREBY ORDERED this 19th day of December 2019, after *de novo* review of the record and the Report and Recommendation, the IFP Motion is DENIED. The Report and Recommendation is adopted as the opinion of the Court. Plaintiff is ORDERED to

pay the entire filing fee by January 3, 2020. Failure to pay the entire filing fee by January 3, 2020 will result in the dismissal of this case without further warning for failure to prosecute.

BY THE COURT:



DAVID STEWART CERCONE
UNITED STATES DISTRICT JUDGE

cc: The Honorable Maureen Kelly
United States Magistrate Judge

ANTHONY J. SCICCHITANO, JR.
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